

EXHIBIT J

Michael Heye

December 4, 2019

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of all)
those similarly situated,)
Plaintiffs,)
vs.) No. 17-cv-05769-RJB
THE GEO GROUP, INC., a Florida)
corporation,)
Defendant.)

** Transcript Contains Portions Designated Confidential **

** See Index on Page 4 **

Videotaped Deposition Upon Oral Examination of
MICHAEL T. HEYE

10:04 a.m.

Wednesday, December 4, 2019

810 Third Avenue, Suite 500

Seattle, Washington

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

Michael Heye

December 4, 2019

Page 2

1 APPEARANCES:

2 For the Plaintiffs: JAMAL N. WHITEHEAD, ESQ.

3 Schroeter Goldmark & Bender

4 810 Third Avenue, Suite 500

5 Seattle, WA 98104

6 206-622-8000

7 whitehead@sgb-law.com

8 For the Defendant: JOAN K. MELL, ESQ.

9 III Branches Law

10 1019 Regents Blvd., Suite 204

11 Fircrest, WA 98466

12 253-566-2510

13 joan@3brancheslaw.com

14 Also Present: LINDSEY LEWIS, VIDEOGRAPHER

15

16 MARSHA CHIEN, ESQ.

17 Assistant Attorney General

18 800 Fifth Avenue, Suite 2000

19 Seattle, WA 98104

20 marshac@atg.wa.gov

21 206-287-4182

22

23 SYDNEY BAY

24

25

Michael Heye

December 4, 2019

Page 3

1

E X H I B I T S

2	No.	Description	Page	/Line
3	319	Northwest Detention Center document - GEO-Nwauzor 085820-085821	41	2
5	320	Email exchange dated November 5, 2012 - GEO Nwauzor 000313-000314	48	25
7	321	Northwest Detention Center Detainee Request Form) - GEO-Nwauzor 141925-141926	62	4
10	322	Kite - Laundry - #1,818,533 - GEO-Nwauzor 065649	63	2
12	323	Email exchange dated December 25, 2012 - GEO-Nwauzor 097538	70	9
14	324	Department Head Meeting Minutes, March 30, 2016 - GEO-Nwauzor 181325-181326	72	5
16	325	Slip Sheet, Created 06/30/2010, Detainee Worker Average Hours.xls	93	6
18	326	Presentation Outline, December 29, 2011, 101 23 Detainee Worker Program - GEO-Nwauzor 016346-016350	101	23
21	327	Worker Program - GEO-Nwauzor 058848	103	20
22	328	Volunteer Work Program for Pod Workers -GEO-Nwauzor 016427	108	25
24				
25		Continued ...		

Michael Heye

December 4, 2019

Page 4

1	329	Department Head Meeting Minutes, June	109	21
2		14, 2011 - GEO-Nwauzor 075573-075574		
3	330	Memorandum dated April 12, 2012, from	111	25
4		Classification, Singleton & Heye to		
5		Associate Warden, McHatton - GEO-Nwauzor		
6		016445		
7	331	Email exchange dated October 31, 2012	114	16
8	332	GEO-Nwauzor 073752-073761	116	20
9	333	Email exchange dated August 11, 2015 -	118	19
10		GEO-Nwauzor 176429-176431		

11

12 EXAMINATION

13	BY	Page/Line
14	MR. WHITEHEAD	6 8
15	MS. MELL	122 1

16

17 CONFIDENTIAL TESTIMONY

18 Page 7 Lines 3-4

19

20

21 (Note: * Denotes phonetic spelling.)

22

23

24

25

Michael Heye

December 4, 2019

Page 5

1 Seattle, Washington; Wednesday, December 4, 2019

2 10:04 a.m.

4 THE VIDEOGRAPHER: We're now on the record.

5 Today's date is December 4th, 2019. The time is now 10:04
6 a.m.

7 This is the video recorded deposition of Michael
8 Heye in the matter of Ugochukwu Goodluck Nwauzor, et al.,
9 vs. The GEO Group, Inc., pending in the United States
10 District Court, Western District of Washington, at Tacoma,
11 case number 17-cv-05769-RJB. This deposition is at the
12 request of the plaintiff.

13 My name is Lindsey Lewis, your videographer,
14 here with Keri Aspelund, your court reporter. We represent
15 Seattle Deposition Reporters.

16 This deposition is taking place at Schroeter
17 Goldmark & Bender, 810 Third Avenue, Suite 500, Seattle,
18 Washington 98104.

19 Will counsel please identify and state your
20 appearances for the record.

21 MR. WHITEHEAD: Good morning. Jamal Whitehead
22 on behalf of the private plaintiffs, the class of Mr.
23 Nwauzor and those that he represents

24 MS. MELL: Joan Mell representing the GEO
25 defendants. Mr. Heye is from the facility.

Michael Heye

December 4, 2019

Page 6

1 MS. CHIEN: And this is Marsha Chien, and I
2 represent the State of Washington in a consolidated case.

3 THE VIDEOGRAPHER: Will the court reporter
4 please administer the oath.

5 -----

6 MICHAEL T. HEYE: Witness herein, having been
7 duly sworn, testified as follows:

8 E-X-A-M-I-N-A-T-I-O-N

9 BY MR. WHITEHEAD:

10 Q. Good morning, Mr. Heye.

11 A. Hello.

12 Q. We met a moment ago off the record, but I would
13 like to introduce myself for benefit of the record. My
14 name's Jamal Whitehead. I represent Mr. Nwauzor and the
15 class of civil immigration detainees that he represents in
16 a private lawsuit against the GEO corporation.

17 Could you please state and spell your name for
18 the record.

19 A. It's Michael Heye, M-I-C-H-A-E-L, and last name
20 is Heye, H-E-Y-E.

21 Q. And your middle name, Mr. Heye?

22 A. Thomas --

23 Q. What's --

24 A. -- T-H-O-M-A-S.

25 Q. And your date of birth, please.

Michael Heye

December 4, 2019

Page 86

1 matter here, right, but I'm just asking could theft lead to
2 the termination of a detainee worker?

3 A. Yes and no. It has and it hasn't on both parts,
4 depending on the circumstances and what the disciplinary
5 process outcome has come out about from it.

6 Q. Now, you said something about earlier that
7 detainee workers cannot be terminated; did I get that
8 right?

9 A. No, cannot be fired. You can't tell a detainee
10 that he's fired.

11 Q. What about --

12 A. Because officers like to, quote-unquote, say,
13 You're fired, which you cannot do.

14 Q. What about termination, can GEO terminate
15 detainee workers?

16 A. In policy and procedure, there's a stipulation
17 in there that the warden can remove a detainee from a
18 worker program.

19 Q. So that's yes, you're agreeing with me?

20 A. On how you want to stipulate it? How you want
21 to say it? Well, warden can.

22 Q. The warden --

23 A. That's what I'm saying, the warden can.

24 Q. The warden is an extension of GEO.

25 So I'll try one more time, and then I'll --

Michael Heye

December 4, 2019

Page 89

1 facility."

2 Do you see that?

3 A. I do.

4 Q. Do you agree that the volunteer detainee workers
5 make important contributions to maintaining the Northwest
6 Detention Center?

7 A. I always thank them when they're cleaning and
8 keeping the place nice and clean, yes.

9 And this is a very told old form, isn't it?

10 Yep.

11 Q. So to my question, do you believe that the
12 detainee workers make an important contribution to
13 maintaining the facility?

14 MS. MELL: Object to the form of the question.

15 A. They don't maintain the facility, but they do
16 contribute to keeping it clean.

17 Q. What's the distinction you draw between cleaning
18 and maintaining?

19 A. Maintaining?

20 Q. Mm-hm. Yes.

21 A. We keep the facility running and operational,
22 that's maintaining.

23 Q. We being GEO and its personnel?

24 A. GEO and its personnel, so that everybody is safe
25 and secure and that the maintenance is kept up, yes.

Michael Heye

December 4, 2019

Page 99

1 slots, and you slot people into the slots --

2 A. Mm-hm.

3 Q. -- but in terms of the schedule, the hours of
4 day that people are assigned to work, how is that
5 determined?

6 A. I don't know. The hours were also on there at
7 the same time that the schedule was put out. So graveyard
8 is graveyard, they start whenever they need to, I guess, at
9 lights out on graveyard, because that's -- when I was a pod
10 officer, that's when graveyard started, when lights out.

11 Q. Well, what happens if everyone says that, you
12 know, I -- I want to work morning shift in the kitchen?
13 What do you do, if anything, as a classification officer
14 from there?

15 A. Then I would --

16 MS. MELL: Object to the form.

17 A. I just put them on the list and specify what
18 shift they want.

19 Q. Well, is there any communication back to the
20 detention officer, Hey, this shift is full, but we have
21 some availability for a shift later in the day?

22 A. No, when they are -- when they apply for
23 kitchen, they'll either specify what shift they want or
24 they don't. And if they don't, then when I call the pod
25 officer, I just say I have these. So when we go to ask the

Michael Heye

December 4, 2019

Page 100

1 detainee if he wants an assignment, I'll call the pod
2 officer and say, Talk to detainee so and so and see if he
3 wants breakfast, lunch, or dinner. Or I only have lunch or
4 dinner, see if they'll take either one of those. That's
5 how the assignments are filled in to the kitchen. If
6 there's space available, I will tell them there's space
7 available. If there's no space available, then they either
8 specify, No, I want to wait for breakfast, and I put them
9 on a list, and when breakfast becomes available, then I'll
10 call them back and see if they want to work then or take
11 the assignment.

12 Q. What are IDP sanctions?

13 A. I -- that's disciplinary through the seg
14 officer.

15 Q. Let me take it one level up, I guess, what is
16 IDP?

17 A. Something disciplinary procedure. Now you're
18 telling me acronyms I don't remember.

19 I don't remember.

20 MS. MELL: That's fine. That's an answer.

21 A. I don't remember what IDP --

22 Q. It's a panel related to disciplinary --

23 A. Correct. That I do know. I just don't know
24 what the acronym is.

25 Q. Do you have any involvement with the IDP

Michael Heye

December 4, 2019

Page 125

1

C-E-R-T-I-F-I-C-A-T-E

2

3 STATE OF WASHINGTON)

4) ss.

5 COUNTY OF THURSTON)

6

I, the undersigned Registered Professional
7 Reporter and Certified Court Reporter, hereby
certify that the foregoing deposition upon oral
8 examination was taken stenographically before me and
transcribed under my direction;

9

10 That the witness was duly sworn by me,
pursuant to RCW 5.28.010, to testify truthfully; that the
11 transcript of the deposition is a full, true, and correct
transcript to the best of my ability; that I am neither
12 attorney for, nor a relative or employee of, any of the
parties to the action or any attorney or counsel employed
13 by the parties hereto, nor financially interested in its
outcome.

14

15 I further certify that in accordance with CR
30(e), the witness was given the opportunity to examine,
16 read, and sign the deposition, within 30 days, upon its
completion and submission, unless waiver of signature was
17 indicated in the record.

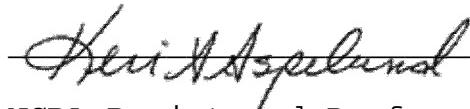
18

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of December, 2019.

20

21

22



23

24

25

NCRA Registered Professional Reporter
Washington Certified Court Reporter No. 2661